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In re Application of
Kawamura et al.
Application No. 10/586,256
PCT No.: PCT/JP2005/009496
Int. Filing Date: 18 May 2005
Priority Date: 25 May 2004
Atty. Docket No.: 2006_0900A
For: Wireless IC Communication Device
And Response Method For The Same

DECISION

This is in response to the petition under 37 CFR 1.182 filed on 11 December 2008.

BACKGROUND

This international application was filed on 18 May 2005, claimed an earliest priority date of 25 May 2004, and designated the U.S. The International Bureau transmitted a copy of the published international application to the USPTO on 08 December 2005. The 30 month time period for paying the basic national fee in the United States expired at midnight on 25 November 2006. Applicants filed, *inter alia*, the basic national fee on 17 July 2006.

On 14 October 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed, requiring an oath or declaration compliant with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(h). The Notification indicated that “The first inventor’s surname on the declaration doesn’t correspond with the name on the published application. In addition, I do not have an IB Form 306 indicating any changes.”

DISCUSSION

Inspection of the declaration filed on 17 July 2006 reveals that it nominates “Hiromi KAWAMURA” in place of “EBARA, Hiromi” who was named in the published international application. MPEP 605.04(b) states in part that

Except for correction of a typographical or transliteration error in the spelling of an inventor’s name, a request to have the name changed from the typewritten version to the signed version or any other corrections in the name of the inventor(s) will not be entertained, unless accompanied by a petition under 37 CFR 1.182 together with an appropriate petition fee.

Since the change described above represents more than a mere typographic error or phonetic misspelling of applicant’s name, a petition (and fee) under 37 CFR 1.182 is required. Counsel has filed such a petition, and indicates that the “first inventor’s surname on the Declaration differs from that on the published PCT application, because the first inventor’s

surname changed subsequent to the filing of the international application due to marriage." Petitioner has provided a corroborating "Statement By Inventor Re Change-Of-Name" signed by Hiromi Kawamura, who describes the circumstances of her name change due to marriage subsequent to the filing of the international application. In view of the totality of the evidence currently of record, it would be appropriate to accept her name as it appears on the declaration filed on 17 July 2006.

DECISION

The petition under 37 CFR 1.182 is **GRANTED**.

The declaration filed on 17 July 2006 is **ACCEPTED** for purposes of compliance with 37 CFR 1.497(a) and (b).

This application is being returned to the Office of Patent Application Processing for further processing. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **17 July 2006**.

/George Dombroske/
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